

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Civil Misc. Application No. 5439 of 2005

In

Writ Petition No. 1431 (S/S) 2004

Smt. Meenakshi Rathor
wife of Sri J.S.Rathor,
resident of 5/22, Durga Nagar,
MJP Ruhelkhand Viswavidyalaya,
Bareilly.

.....Petitioner.

Versus

1. State of Uttaranchal through Deputy Secretary, Basic Education, Dehradun.
2. Deputy Director of Education, Directorate of Education, Uttaranchal, Dehradun.
3. Director of Basic Education, Uttaranchal, Dehradun.
4. District Basic Education Officer, Udham Singh Nagar.
5. District Basic Education Officer, Nainital.

.....Respondents.

Hon'ble M.M.Ghildiyal,J.:

Heard Sri Arvind Vashisht, learned counsel for the petitioner and learned standing counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage self.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus directing the respondent no.4 to permit the petitioner for joining in the District- Udham Singh Nagar in compliance of the transfer order dated 18.09.2004 passed by the respondent no. 1.

The submission of the learned counsel for the petitioner is that petitioner was transferred by order dated 18.09.2004 from Primary School, Talla Dhanika Kot, Block-Betal Ghat, District - Nainital to Udham Singh Nagar. In pursuance to

the transfer order petitioner was relieved from District-Nainital to District –Udham Singh Nagar on 08.11.2004. However, the District Basic Education Officer, Udham Singh Nagar did not permit her to join her duties.

Aggrieved by the act of District Basic Education Officer, Udham Singh Nagar, the petitioner has filed the present writ petition on 08.12.2004 and this court on 10.12.2004 directed the Basic Shiksha Adhikari, Udham Singh Nagar to permit the petitioner to join her duties without further delay.

Learned counsel for the petitioner has submitted that in pursuance to the aforesaid order petitioner was permitted to join her duties and at present she is working at Primary School, Sirauli Khurd, District-Udham Singh Nagar with effect from 12.01.2005.

Since the petitioner has already been permitted to join her duties at Udham Singh Nagar, which is the sole relief sought by the petitioner by way of filing the present writ petition, consequently, this writ petition has become infructuous.

Today the petitioner has moved Civil Misc. Application with a prayer to direct the respondents to pay the salary for the period 09.11.2004 to 21.12.2004. So far as the claim for payment of the salary for the aforesaid period is concerned the petitioner may make a representation before respondent no. 4 and it is expected from respondent no. 4 that he will decide the representation at the earliest.

With this direction the writ petition is finally disposed of.

(M.M.Ghildiyal,J.)

August 8, 2005
SKSharma